

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT  
COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS  
TARIFF, P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to act upon the proposed tariff of Washington Gas Light Company ("WGL")<sup>2</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. Pursuant to D.C. Code Section 10-1141.6,<sup>3</sup> WGL filed with the Commission an updated Rights-of-Way Surcharge Rider ("ROW") on May 24, 2006.<sup>4</sup> Although WGL has recently filed an updated ROW concerning this tariff, WGL felt compelled to submit this latest Surcharge Filing.<sup>5</sup> In the proposed tariff, WGL shows the process to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia. Specifically, WGL proposes to amend the following page:

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**

**Section 22**

**2<sup>nd</sup> Revised Page 56**

3. WGL asserts that its Rights-of-Way Surcharge will become effective commencing with the June 2006 billing cycle.<sup>6</sup> WGL's proposed tariff shows that the

<sup>1</sup> D. C. CODE § 2-505 (2005 Supp.).

<sup>2</sup> *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, ("GT00-2") Surcharge Filing of Washington Gas Light Company, ("Surcharge Filing"), filed May 24, 2006.

<sup>3</sup> D. C. CODE § 10-1141.06 (2001) (stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

<sup>4</sup> *GT00-2*, Surcharge Filing at 1.

<sup>5</sup> *GT00-2*, Surcharge Filing of Washington Gas Light Company, filed March 24, 2006; WGL Rights-of-Way Surcharge Factor Amended Filing P.S.C. of D.C. No. 3, Section 22, Second Revised Page No. 56 Pursuant to Commission Order No. 13767, filed March 30, 2006.

<sup>6</sup> *GT00-2*, Surcharge Filing at 1.

current ROW factor is 0.0259 with a reconciliation amount of 0.0007 for the prior period, which yields a net factor of 0.0266.<sup>7</sup>

4. The tariff filing and the amended filing may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost.

5. Comments on this tariff must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days from the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action on WGL's filing. The Commission does not intend to prevent WGL from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, WGL may be subject to reconciliation of the surcharges.

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<sup>7</sup>*Id.* at 2.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of sections 3(b), 4(a)(5)(A) and 5(4)(A) of Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.03(a)(5)(A) and 50-921.04(4)(A)); Mayor's Order 2006-22 (February 27, 2006); Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01 *et seq.*); and Mayor's Order 96-8, (February 9, 1996), hereby gives notice of the intent to amend Title 24 of the Public Space and Safety Regulations by adding a new section to Chapter 33 (Public Right-of-Way Occupancy Permits). The proposed amendments add a new section 3306 to enable the Department to issue a Public Right-of-Way Occupancy Permit to tour bus and commuter bus companies in order for the companies to establish tour and commuter bus stops; provide that in the event a Right-of-Way Occupancy Permit expires or is suspended or revoked, the Director may remove any apparatus, structure, facility, installation, or device affixed or erected in public space, on a public right-of-way, or on a public structure that is the subject of the permit and recover all costs associated with such removal if the permit holder fails to remove the apparatus, structure, facility, installation, or device; provide that "Department" is defined as the District Department of Transportation in section 3399.1; and establish definitions for "commuter bus" and "Director" in section 3399.

This notice supersedes the previous Notice of Proposed Rulemaking (Notice) published at 53 DCR 923 (February 10, 2006). Based on public comments received on the previous Notice, this rulemaking (1) adds two provisions that discuss what must be included in the Public Right-of-Way Occupancy Permit application for tour bus and commuter bus companies, (2) specifically lists the annual rental fees for each tour bus or commuter bus sign located in the public right-of-way, (3) exempts "Public Transit Agencies" from paying the annual rental fees, and (4) defines "Public Transit Agency." Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

TITLE 24 DCMR, **PUBLIC SPACE AND SAFETY**, is amended by adding a new section to read as follows:

**3306 OCCUPANCY OF POLES OR OTHER STRUCTURES IN THE PUBLIC SPACE FOR TOUR BUS AND COMMUTER BUS STOPS**

3306.1 The Director may issue a Public Right-of-Way Occupancy Permit to a person seeking to post signs on existing or proposed poles (including, but not limited to, streetlight poles, street sign poles, and "U" poles) or other structures in the public space to indicate tour bus or commuter bus stops.

- 3306.2 Any person seeking to post signs on poles or other structures in the public space to indicate tour bus or commuter bus stops shall submit an application for a Public Right-of-Way Occupancy Permit to the Department.
- 3306.3 In addition to such other information as the Director may request, the permit application shall include:
- (a) The name of the tour bus or commuter bus company;
  - (b) The address of the tour bus or commuter bus company;
  - (c) A list of the pole or structure locations proposed for the tour bus or commuter bus stops;
  - (d) An actual-size sample that shall not be larger than twelve inches by eighteen inches (12" x 18") of the proposed tour bus or commuter bus sign on the applicable medium, including, but not limited to, aluminum, cardboard, metal, poster board, and steel; and
  - (e) A description of how the sign will be affixed or mounted to the pole or structure in public space.
- 3306.4 Except for a Public Transit Agency, a Permittee shall pay an annual rental fee for each tour bus or commuter bus sign in the following manner:
- (a) Sign affixed to an existing pole or structure in public space Two Hundred Fifty Dollars (\$250);
  - (b) Sign affixed to a new pole or structure in public space as proposed by Permittee (new pole or structure to be provided and installed by Permittee after receipt of permit) Five Hundred Dollars (\$500).
- 3306.5 The annual payment shall be paid to the District on the date the Public Right-of-Way Occupancy Permit is issued.
- 3306.6 Failure to make a rental payment within thirty (30) days after the due date may result in the revocation of the Public Right-of-Way Occupancy Permit.

- 3306.7 The acceptance of any payment required hereunder by the District shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the District may have for additional sums due and payable.
- 3306.8 If a Public Right-of-Way Occupancy Permit is revoked or suspended for any reason, the Director may remove the applicable tour bus or commuter signs without the District incurring any liability for the signs.
- 3306.9 For purposes of this section, the phrase "Public Transit Agency" means a municipal corporation or government agency (and its agents) that operates a bus, train, van, streetcar, trolley, subway, or rail vehicle for use by the general public.

Title 24 DCMR, Chapter 33, Section 3310, **GENERAL TERMS AND CONDITIONS**, is amended by adding a new subsection to read as follows:

- 3310.16 In the event that a Right-of-Way Occupancy Permit expires or is suspended or revoked, the Director may require, at the expense of the Permittee, the immediate removal of any apparatus, structure, facility, installation, or device affixed, erected, or installed in public space, on a public right-of-way, or on a public structure, and the restoration of the public space, public right-of-way, or public structure to its condition prior to the issuance of the permit. If the Permittee does not comply with the requirements of this subsection, the Director may remove any of the Permittee's property and the cost of such removal shall be borne by the Permittee, including, but not limited to, the manner specified in § 24-1313.

Title 24 DCMR, Chapter 33, Section 3399, **DEFINITIONS**, is amended as follows:

By amending the following definition in Subsection 3399.1:

Department – District Department of Transportation.

By adding the following new definitions in alphabetical order to Subsection 3399.1:

Commuter bus – A public or private vehicle having a seating capacity of more than eight (8) passengers, exclusive of the driver, used to transport passengers to and from worksites; provided, that this definition shall not include any vehicle owned or operated by the Washington Metropolitan Area Transit Authority.

Director – Director of the District Department of Transportation.

JUL 07 2006

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Lars Etzkorn, Associate Director, District Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Copies of this proposal are available, at cost, by writing to the above address.

JUL 07 2006

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 05-43

(Text Amendment – 11 DCMR)

(Text Amendment to include Squares 344, 373, 374, and Reservation 174 in the Housing  
Priority Area of the Downtown Development Overlay District)

June 8, 2006

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2001 ed.)), hereby gives notice of its intent to amend Section 1706 of the Zoning Regulations (Title 11 DCMR). The proposed amendments would include the property formerly occupied by the old Convention Center within the Housing Priority Area of the Downtown Development Overlay District. For the purposes of the combined lot development provisions of 11 DCMR § 1708, the site will be designated as being within Housing Priority Area B. Although zoned DD/C-3-C, the old Convention Center site is limited to a FAR of 6.5. Only DD/C-3-C properties included within the Housing Priority Area may achieve the additional FAR allowed by §§ 1706.5 and 1706.7, provided that no less than 3.5 FAR is devoted to residential use (either on site or on a combined lot). The proposed amendments would apply these incentives and requirements to the Old Convention Center site.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register

The following rulemaking action is proposed:

Title 11 DCMR is amended as follows. Deleted wording is shown in strike-through lettering and added wording is shown **bolded** and underlined:

1. Section 1706.2 is amended to read as follows:

1706.2 The housing requirements and incentives of this section shall be applicable only in the Housing Priority Area that is depicted in Map B **attached to the Office of Planning memorandum dated June 7, 2006** filed in Zoning Commission Case No. ~~99-3Z05-43~~, which may be viewed in the Office of Zoning, and that is described by squares in § 1706.8, provided that the transferable development rights provisions of § 1706.3 shall be applicable throughout the DD Overlay District. Map B is incorporated by reference.

2. Section 1706.8(b) is amended to read as follows:

1706.8 For the purposes of permitting and governing combined lot developments as provided by § 1708, the Housing Priority Area is divided into three (3) subareas as follows:

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(b) Housing Priority Area B, the Mount Vernon Square South area, comprises the DD/C-2-C and DD/C-3-C zoned properties that are located south of Massachusetts Avenue, including squares and parts of squares numbered 247, 283, 284, 316, 317, 342, 343, 344, 371, 372, 373, 374, 427, 428, 452, 453, 485, 486, 517, and 529, National Park Service Reservation 174 (if jurisdiction is transferred to the District of Columbia), and the commercial and underdeveloped properties in square 247 with an approved plan unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid; and

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.